

REMARKS

Reconsideration is respectfully requested in view of the newly presented claims and the remarks herein. Please contact the undersigned to conduct a telephone interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment.

Prior to this amendment, claim 32 was the only pending claim in this application. Claim 32 had been rejected under § 112, § 101, and § 103. Although Applicants do not necessarily agree with all of the points made in the last Office Action, in this Amendment Applicants are canceling claim 32 and presenting new claims 33-40 to better define the invention and expedite prosecution of this application.

Rejections under 35 U.S.C. § 101

In the previous office action, method claim 32 was rejected under 35 U.S.C. § 101 as not reciting statutory subject matter. Applicants submit that new system claims 33-36 and new program product claims 37-40 do recite statutory subject matter.

In the regard, Applicants note that new claims 33-36 recite a system that includes a reservation engine that comprises a server and a data repository to store passenger reservation data, an airport-specific data engine comprising a server and a data repository to store specified types of data, and a passenger flow prediction system comprising a server and a computer readable storage medium to store specified computer program code.

In addition, new claims 37-40 recite a computer program product that comprises “computer program code adapted to receive a request from an organization in the transportation facility for passenger flow data,” “computer program code adapted to predict the number of passengers that will flow through the specified zone of the transportation facility” and “computer program code adapted to provide the passenger flow data requested by the organization.”

In *In re Bo Li*, Appeal No. 2008-1213 (BPAI Nov. 6, 2008), which was decided by the Board of Patent Appeals and Interferences after the Federal Circuit’s decision in *In re*

Bielski, the Board overturned an Examiner's 35 U.S.C. section 101 rejection of a computer program product (Beauregard) claim. The Board noted that "[i]t has been the practice for a number of years that a 'Beauregard Claim' of this nature be considered statutory at the USPTO as a product claim. (MPEP 2105.01, I)."

Rejections under 35 U.S.C. § 103

In the previous office action, claims 32 was rejected under 35 U.S.C. § 103 as being obvious over Nishimura in view of Dettelbach. Applicants respectfully submit that newly presented claims 33- 40 are patentable over Nishimura, Dettelbach, and the art of record.

New claim 33 recites "a passenger flow prediction system comprising a server and a computer readable storage medium to store computer program code, wherein the computer program code comprises:

"user interface computer program code adapted to receive a request from an organization in the transportation facility for passenger flow data, wherein the request specifies a time period and a zone within the transportation facility;"

"an analysis engine adapted to predict the number of passengers that will flow through the specified zone of the transportation facility during the specified time period based upon reservation data obtained from the reservation engine and upon airport-specific data obtained from the airport-specific data engine;" and

"report generation computer program code adapted to provide the passenger flow data requested by the organization based upon the prediction made by the analysis engine, wherein the passenger flow data reported comprises a number of passengers predicted to flow through the specified zone during the specified time period."

New claim 37 recites similar limitations in program product form.

Applicants submit that neither Nishimura, Dettelbach or any of the prior art of record teach these claim limitations. In this regard, Applicants note that neither Nishimura nor Dettelbach disclose a system "to predict the number of passengers that will flow through the specified zone of the transportation facility during the specified time period" as recited in new claims 33 and 37. Rather, Nishimura discloses "a transfer information management device and transfer information management method for managing

information for transferring airplanes.” See Col. 1, ln. 7-10. In other words, Nishiumra discloses a system for helping passengers transfer from one flight to another flight; it does not disclose a system for allowing an organization in the transportation facility (such as the customers office) to obtain passenger flow data as defined in claims 33 and 40 – that is, data relating to “a number of passengers predicted to flow through the specified zone during the specified time period.” Similarly, Dettelbach discloses a “pre-ticket travel reservation record keeping system and apparatus which . . . provides a corporation with the ability to receive and logically arrange pre-travel information on a daily basis.” See Col. 2, ln. 5-10. Dettelbach does not relate to the prediction of passenger flow through the airport as defined in new claims 33 and 37.

Dependent claims 34-36 and 38-40 are patentable for the reasons stated above with regard to claims 33 and 37. In addition, claims 34-36 and 38-40 recite additional limitations that are not shown in the prior art. For example, claims 34 and 38 recite that “the passenger flow data reported further comprises data relating to personal information about the passengers that are predicted to flow through the specified zone during the specified time period.” As illustrated by FIG. 8 of the present application, this data may include the number of passengers from a specific region that are predicted to flow though the airport during a specific time period.

Conclusion

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In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience. In this regard, MPEP 713.01 states in part as follows:

“Where the reply to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it

appears that the interview or consultation would result in expediting the case to a final action."

Respectfully submitted,

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